UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,037	11/26/2003	Jan Klier	200312050-1	7798

22879 7590 04/08/2008

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER	
LEE, JINHEE J	
ART UNIT	PAPER NUMBER
2175	

NOTIFICATION DATE	DELIVERY MODE
04/08/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
mkraft@hp.com
ipa.mail@hp.com

Office Action Summary	Application No.	Applicant(s)	
	10/723,037	KLIER, JAN	
	Examiner	Art Unit	
	Jinhee J. Lee	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/21/07*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,17,18 and 20-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 17, 18, 20-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 17 and 20 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

At claim 17, limitation of "receiving a second indication of activation of the button in the graphical user interface" and "the second indication" are new matter not previously disclosed.

At claim 20, limitation of "receiving a second activation of the button" and "sending a second indication regarding the second activation of the button to the drive controller" are new matter not previously disclosed.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 24 recites the limitation "the graphical user interface data" in line 4. This is confusing. Should this read "the graphical user interface rendering data"?

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5, 8, 21 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Maffezzoni et al. (6532535).

Re claim 1, Maffezzoni et al. discloses an automated storage system comprising: a data access drive (hard drive or a removable drive, see column 3 lines 45-47 according to the numbering in the middle for example) operable to read and write computer-readable data on storage media (primary and secondary storage device, see abstract for example); a drive controller (controller see column 17 lines 1-2 for example) provided at the data access drive; computer-readable program code (intelligent Genesis backup protection system with SpareTire for example, see figures 6B and 14, column 41 lines 60-64) provided in computer-readable storage at the data access drive (see column 14 lines 37-41 for example), the computer-readable program code for generating drive information and user interface rendering data (see figure 6B for

example); and a user interface module (see figure 6B, column 41 lines 60-64 using SpareTire for example) outputting the drive information via a user interface in accordance with the user interface rendering data (see figure 6B for example).

Re claim 2, Maffezzoni et al. discloses a system, wherein the computer-readable program code includes a render engine (SpareTire for example) to generate the user interface rendering data (see figure 5A and 6B for example).

Re claim 3, Maffezzoni et al. discloses a system, wherein the computer-readable program code includes a state machine (FootPrint for example) to retrieve the drive information.

Re claim 5, Maffezzoni et al. discloses a system, further comprising a communication path (inherent, see figure 5A using FootPrint for example) established between the drive controller and the user interface module, the drive information and the user interface rendering data provided to the user interface module via the communication path (provided via FootPrint and SpareTire for example).

Re claim 8, Maffezzoni et al. discloses a system, wherein the drive information and the user interface rendering data is displayed in a graphical user interface (see figure 6B for example).

Re claim 21, Maffezzoni et al. discloses wherein the user interface rendering data enables drawing of a graphical image in the user interface see figure 6B for example).

Re claim 24, Maffezzoni et al. discloses a system wherein the user interface comprises a graphical user interface, wherein the user interface rendering data

comprises a graphical user interface rendering data, and wherein the user interface module displays the drive information in a window of the graphical user interface in accordance with the graphical user interface data (see figure 6B for example).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4, 7, 9-12, 14, 15, 17, 18, 20, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maffezzoni et al.

Re claim 4, Maffezzoni et al. discloses a method as set forth in claim 1 above. Maffezzoni et al. does not explicitly disclose wherein the drive controller retrieves updated drive information if a data access drive changes state. It would have been an obvious matter to update displayed drive information, when the drive state changes, since such a modification would have involved the mere application of a known technique to a piece of prior art. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements,

and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 7, Maffezzoni et al. discloses a method as set forth in claim 1 above. Maffezzoni et al. does not explicitly disclose a communication path established between the drive controller and a system controller and between the system controller and the user interface module, the drive information and the user interface rendering data provided to the user interface module via the communication path. It would have been an obvious matter to establish a communication path between the drive controller and a system controller and between the system controller and the user interface module, the drive information and the user interface rendering data provided to the user interface module via the communication path, since such a modification would have involved the mere application of a known techniques such as establishing communication paths to a piece of prior art and also since establishing of communication paths would be

necessary for the systems to function together. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 9, Maffezzoni et al. discloses a method as set forth in claim 1 above. Maffezzoni et al. does not explicitly disclose wherein the drive controller retrieves updated drive information based at least in part on input from the user interface module. It would have been an obvious matter to have wherein the drive controller retrieves

updated drive information based at least in part on input from the user interface module, since such a modification would have involved the mere application of a known techniques such as updating information to a piece of prior art and also since Maffezzoni et al. teaches of user selection (see column 41 line 65 for example). Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 10, Maffezzoni et al. discloses a method as set forth in claim 1 above. Maffezzoni et al. does not explicitly disclose wherein the drive controller receives control instructions from the user interface module. It would have been an obvious matter to have wherein the drive controller receives control instructions from the user interface module, since such a interaction would have been obvious in order to relay the instruction for execution (see column 41 lines 60-65 for example). Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions

resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 11, Maffezzoni et al. discloses a method comprising: receiving drive information and graphical user interface rendering data (see figure 6B for example) generated by a drive controller (controller, see column 17 lines 1-2 for example) at a data access drive of a storage system (primary and secondary storage device, see abstract for example);

outputting the drive information in a graphical user interface in accordance with the graphical user interface rendering data (see abstract and figure 6B for example).

Maffezzoni et al. does not explicitly disclose receiving an indication of activation of a button in the graphical user interface, wherein activation of the button is a request for the drive information, and wherein receiving the drive information and graphical user interface rendering data is in response to the indication of activation of the button. Maffezzoni et al. teaches of receiving an indication of activation of a link in the graphical user interface (user is provided with more information, see column 42 lines 1-3 for example), wherein activation of the link is a request for the drive information, and wherein receiving the drive information and graphical user interface rendering data is in response to the indication of activation of the link (see column 41 lines 64-column 42 line 3 for example). It would have been an obvious matter to have a button be provided as a link, since such a modification would have been obvious. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of

prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 12, Maffezzoni et al. substantially discloses a method as set forth in claim 11 above. Maffezzoni et al. does not explicitly disclose wherein receiving the drive information and the graphical user interface rendering data is via a system controller. It would have been an obvious matter to have wherein receiving the drive information and the graphical user interface rendering data is via a system controller, since such a interaction would have been obvious in order to relay the instruction for execution (see column 41 lines 60-65 for example). Where a claimed improvement on

a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 14, note that Maffezzoni et al. discloses a method, wherein outputting the drive information comprises displaying the drive information in the graphical user interface in accordance with the graphical user interface rendering data (see figure 6B and columns 41 lines 60-65 for example).

Re claim 15, note that Maffezzoni et al. discloses a method, further comprising determining a drive state of a data access drive, the drive information including the drive state (see figure 6B, results of “Attempt Repair” for example).

Re claim 17, Maffezzoni et al. substantially discloses a method as set forth in claim 11 above. Maffezzoni et al. does not explicitly disclose receiving a second indication of activation of the button in the graphical user interface; and

outputting updated drive information in the graphical user interface in response to receiving the second indication. Maffezzoni et al. teaches of receiving a second indication of activation of the link in the graphical user interface; and

outputting updated drive information in the graphical user interface in response to receiving the second indication (see column 41 lines 64-column 42 line 3, first link can be "Attempt Repair" and second link can be “Details of System Failure” for example). It would have been an obvious matter to have a button be provided as a link, since such a modification would have been obvious. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely

challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 18, Maffezzoni et al. discloses, In an automated storage system having a graphical user interface including a display and a graphical user interface selection device, a method of providing and selecting from the display comprising:

Receiving activation of a link in the graphical user interface, wherein activation of the link is a request for drive information of a data access device in the automated storage system (see figure 6B and columns 41 lines 64 to column 42 line 3 for example); and displaying the drive information in an application window in the graphical user interface in accordance with the graphical user interface rendering data (see figure 6B).

Maffezzoni et al. does not explicitly disclose a button providing activation to the link; and sending an indication regarding the activation of the link to a drive controller at the data access drive (abstract and via bus to the controller for example); and

Responsive to the indication regarding the activation of the button, receiving drive information and graphical user interface rendering data from the drive controller.

It would have been an obvious matter to have a button be provided as a link, since such a modification would have been obvious. And it would also have been obvious to send indication regarding the activation of the link to a drive controller, in order to execute the selection. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known

element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 20, Maffezzoni et al. substantially discloses a method, further comprising: Receiving updated drive information that represents a state change of the data access drive, and corresponding updated graphical user interface rendering data and

displaying the updated drive information in the application window in accordance with the updated graphical user interface rendering data (see figure 6B and columns 41 lines 64-column 42 line 3 for example).

Maffezzoni et al. does not explicitly disclose receiving a second activation of the button;

Sending a second indication regarding the second activation of the button to the drive controller; and receiving updated information from the drive controller. Maffezzoni et al. teaches of receiving a second indication of activation of the link (see column 41 lines 64-column 42 line 3, first link can be "Attempt Repair" and second link can be “Details of System Failure” for example). It would have been an obvious matter to have a button be provided as a link, since such a modification would have been obvious. And it would also have been obvious to receiving information on drive updates from a drive controller, in order to execute the selection. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83

USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 25, Maffezzoni et al. substantially discloses a method as set forth in claim 11 above. Maffezzoni et al. does not explicitly disclose sending output regarding activation of the button to the drive controller, wherein the drive information and graphical user interface rendering data is generated by the drive controller in response to the output. Maffezzoni et al. teaches of sending output regarding activation of the link, wherein the drive information and graphical user interface rendering data is generated in response to the output (see figure 6B and column 41 lines 64-column 42 line 3 for example). It would have been an obvious matter to have a button be provided

as a link, since such a modification would have been obvious. And it would also have been obvious to receiving and sending information on drive updates from a drive controller, in order to execute the selection and display updated information. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

9. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maffezzoni et al. in view of Matsumoto et al. (20020124124).

Re claim 6, Maffezzoni et al. discloses a method as set forth in claim 5 above. Maffezzoni et al. does not explicitly disclose wherein the communication path is established separate from a data path with the drive controller. However, Matsumoto et al. teaches of wherein the communication path is established separate from a data path with the drive controller (plurality of ports, see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Matsumoto et al. having separate communication path or plurality of ports with the method of Maffezzoni et al. on the in order to provide ability for variety in interaction portals. Furthermore, it would have been an obvious matter to establish communication path that is separate from a data path with the drive controller, since such a modification would have involved the mere application of a known technique to a piece of prior art. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct.

at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

Re claim 13, Maffezzoni et al. discloses a method as set forth in claim 11 above. Maffezzoni et al. does not explicitly disclose wherein receiving drive information and graphical user interface rendering data is via a separate communications path. However, Matsumoto et al. teaches of wherein receiving drive information and graphical user interface rendering data is via a separate communications path (plurality of ports, see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Matsumoto et al. having separate communication path with the method of Maffezzoni et al. on the in order to provide ability for variety in interaction portals. Furthermore, it would have been an obvious matter to establish communication path that is separate from a data path with the drive controller, since such a modification would have involved the mere application of a known technique to a piece of prior art. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). Ex Parte Smith, 83

USPQ.2d 1509, 1518-19 (BPAI, 2007) (citing KSR v. Teleflex, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)). Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a). Ex Parte Smith, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing KSR, 127 S.Ct. at 1740, 82 USPQ2d at1396. Accordingly, since the applicant[s] have submitted no persuasive evidence that the combination of the above elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is unpatentable as obvious under 35 U.S.C. 103(a) because it is no more than the predictable use of prior art elements according to their established functions resulting in the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement.

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maffezzoni et al. in view of Seki et al. (JP02002149315).

Re claim 22, Maffezzoni et al. substantially discloses a system as set forth in claim 1 above. Maffezzoni et al. does not explicitly disclose wherein the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the data access drive. However, Seki et al. teaches of wherein the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the

data access drive (see abstract, solution section for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the data access drive of Seki et al. on the system of Maffezzoni et al. in order to provide ability to access the speed and the speed.

Re claim 23, Note that Seki et al. teaches of wherein the drive information further comprises an error rate of the data access drive (see abstract, solution section for example).

Response to Arguments

11. Applicant's arguments with respect to claims 1-15, 17, 18, 20-25 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's arguments filed 12/21/07 have been fully considered but they are not persuasive with respect to 112 first paragraph of claim 17.

Examiner can not find in paragraphs 0044 or 0047-0048, “a second indication of activation of the button in the graphical user interface would cause updated drive information to be output” as argued. Claim 20 has limitations regarding second activation and limitations regarding updated information. The original specification teaches of updated information but not second indication.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jinhee J Lee/
Primary Examiner, Art Unit 2174

jjl